HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 4469 OF 2007

Between:

D. Suryanarayana

… Petitioner

and

The Superintendent of Police,
CID (Cyber Crimes), Saifabad,
Hyderabad and others.

… Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 4469 OF 2007

ORAL ORDER:

The petitioner seeks to issue a writ of Mandamus directing the respondents to withdraw all letters, websites, E-mail messages relating to petitioner's daughter "Meenakshi Degala", issued in connection with C.C.No.302 of 2006 and intimate the closure of the case to all concerned authorities/organizations in India and abroad and to award damages for the loss of reputation and agony suffered by the petitioner's daughter.

It is stated that a case in FIR No.5 of 2003 was registered on 23.4.2003 for the offences punishable under Section 65 of the Information Technology Act, 2000, Sections 63 and 63B of Copy Right Act, 1957 and Section 420 of the Indian Penal Code, by the Police Station Cyber Crime, CID, Hyderabad, in which a charge-sheet was filed and the said case was numbered as C.C.No.302 of 2006, on the file of the VI Additional Chief Metropolitan Magistrate, Hyderabad. It is stated that the said offences were compoundable in nature and the same was compromised and accordingly the offences were

compounded in view of the compromise entered into between the parties as is evident from the orders of the Lok Adalat for Metropolitan Criminal Courts at Hyderabad vide Permanent Lok Adalat Case NO.41 of 2006 (against CC No.302 of 2006, on the file of the II Additional Chief Metropolitan Magistrate, Hyderabad).

It is stated that in view of the said compromise and as the offences have been compounded, no case is pending against the petitioner's daughter. As the said compromise amounts to acquittal of the petitioner's daughter from the offences, the petitioner requested the respondents to address letters to the concerned authorities to whom they have addressed letters earlier, and to accord permission to close the case and withdraw the 'Red Corner Notice'. But the said representation of the petitioner is not being considered and accordingly the petitioner issued a legal notice dated 27.2.2007, to withdraw the website as shown in news item published in Hindustan Times, New Delhi dated 24.2.2007, but there was no response.

Sri T. Niranjan Reddy, learned Special Public Prosecutor for CBI appearing for the 2nd respondent, submits that the 2nd respondent deleted the name of the petitioner's daughter from CBI website and the 'Red Corner Notice' against Meenakshi Degala has been cancelled and the immigration authorities are also requested to delete her name from the lookout circular and the name of the said Meenakshi Degala *as fugitive,* wanted by CBI has also been deleted from the CBI website with effect from 6.3.2007.

It is stated that since the 2nd respondent has already taken appropriate and necessary steps as requested by the petitioner, no further directions need be passed against the 2nd respondent.

Learned counsel appearing for the petitioner submits that the 1st and 3rd respondents have earlier addressed letters to certain organizations/companies outside India. But, however, those authorities have not been addressed after the closure of the case against the petitioner's daughter.

Learned Government Pleader for Home appearing for the respondents 1 and 3 submits that the respondents have also taken note of the closure of the criminal case which was already compounded and the name of the petitioner's daughter was removed from the website and other wanted columns.

Having regard to these submissions and facts and circumstances of the case, the respondents 1 and 3 are also directed to address letters to the concerned authorities/organizations in India and abroad, to whom they have address earlier during the pendency of the said crime, to inform them about the acquittal of the petitioner's daughter. Copies of letters, which may be addressed to such organizations/authorities, by the respondents 1 and 3, may also be marked to the petitioner.

The writ petition is accordingly disposed of as indicated above. No costs.

V. ESWARAIAH, J

DATE: 9.3.2007

Note: CC in three days.

Bo cvm